

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN BILL GLASER**, on March 31, 2003 at 3:00 P.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Bob Story Jr., Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Mike Cooney (D)
Sen. Royal Johnson (R)
Sen. Jeff Mangan (D)
Sen. Don Ryan (D)
Sen. Tom Zook (R)

Members Excused: Sen. Jerry W. Black (R)
Sen. Jim Elliott (D)

Members Absent: None.

Staff Present: Tari Elam, Committee Secretary
Connie Erickson, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:
Executive Action: HB 540; HB 107

EXECUTIVE ACTION ON HB 540

{Tape: 1; Side: A; Approx. Time Counter: 0.5 - 6.5}

SENATOR MIKE COONEY stated **HB 540** was assigned to a subcommittee consisting of **SENATOR JERRY BLACK**, **SENATOR EDWARD BUTCHER**, and himself. The subcommittee met with several key people in order to fully understand the issue being addressed by the bill, and to clarify which entity would ultimately be responsible for coordinating the various information. He explained the first amendment to the bill was suggested by a group of people hoping to make the jury selection system a bit more juror friendly. Therefore, the amendment adds a policy statement regarding a citizen's obligation to serve on a jury. Amendments two through five clarify the role of the secretary of state in the process. He stated these amendments are indicative of the subcommittee's unanimous recommendation.

Motion: **SEN. COONEY** moved that **HB 540 BE CONCURRED IN.**

Motion/Vote: **SEN. COONEY** moved that **HB 054001.AJM BE ADOPTED.**
Motion carried 9-0.

Motion/Vote: **SEN. BUTCHER** moved that **HB 540 BE CONCURRED IN AS AMENDED.** Motion carried 9-0; with **BLACK** voting **AYE** via proxy.

EXECUTIVE ACTION ON HB 107

{Tape: 1; Side: A; Approx. Time Counter: 6.8 - 30}

Motion: **SENATOR BOB STORY** moved that **HB 107 BE CONCURRED IN.**

Discussion:

Connie Erickson, LSD, explained the first set of amendments changes language in the bill to a more generally used term, and changes the application date to, between January 15 and April 15.

Motion/Vote: **SEN. MANGAN** moved that **HB 010702.ACE BE ADOPTED.**
Motion carried 9-0; with BLACK voting **AYE** via proxy.

Motion: **SEN. STORY** moved **HB 010703.ACE.**

SENATOR TOM ZOOK stated the bill is a general fund bill.

CHAIRMAN BILL GLASER asked **SEN. ZOOK** if the bill was subject to the appropriations act of **HB 2**.

SEN. STORY stated his understanding is the amendments ensure that a person may not receive money from both this bill and **SB 267**.

Motion: **SEN. STORY** moved that **HB 010703.ACE** be segregated into two parts: #1 & #2.

Motion/Vote: **SEN. STORY** moved that **HB 010703.ACE, PART #1 BE ADOPTED**. Motion carried 9-0; with **BLACK** voting **AYE** via proxy.

Motion: **SEN. ZOOK** moved that **HB 010704.ACE** be adopted.

Discussion:

SENATOR ROYAL JOHNSON asked if his understanding of the amendment was correct: that should **SB 267** not pass the House then **HB 107** would fail automatically.

CHAIRMAN GLASER replied in the affirmative. He explained, at this particular time, both bills are essentially dead. Both sponsors would like the bills to go forward and have therefore agreed to the language in order to achieve the goal.

SENATOR JEFF MANGAN stated, although he is not in opposition to the sponsors attempts to cooperate, the amendment is not truly necessary. Accordingly, he cannot support the amendment.

SENATOR DON RYAN stated he does not believe this amendment is appropriate. If the Committee believes **HB 107** is a valuable goal, then it should consider the bill in its' own right. He noted the other bill is a different model, being applied in a different direction. It simply does not make sense.

SEN. ZOOK expressed concern over the message being sent.

SEN. STORY stated the House has already passed the bill, and may well reject the amendments, so it will be up to the Senate to make the final determination regardless.

CHAIRMAN GLASER stated the amendment will provide the House with an opportunity to make two choices: 1) place the bill in a conference committee; or, 2) kill both bills. Without the amendment he does not see how the bill will proceed.

SEN. ROYAL asked about the current status of **SB 267**.

CHAIRMAN GLASER replied no action had been taken.

Vote: Motion that HB 010704.ace be adopted carried 6-4 with COONEY, ELLIOTT, via proxy, MANGAN, and RYAN voting NO, and BLACK voting AYE via proxy.

Motion/Vote: SEN. STORY moved that HB 107 BE CONCURRED IN AS AMENDED. Motion carried 7-3 with ELLIOTT, via proxy, MANGAN, and RYAN voting NO, and BLACK voting AYE via proxy. SENATOR BOB STORY TO CARRY.

ADJOURNMENT

Adjournment: 4:00 P.M.

SEN. BILL GLASER, Chairman

TARI ELAM, Secretary

BG/TE

EXHIBIT (eds68aad)